

JULIAN EARL,)
)
 Plaintiff,)
)
 VS.) No. 19-1214-JDT-cgc
)
 QUALITY CORRECTIONAL)
 HEALTH CARE, ET AL.,)
)
 Defendants.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 required by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to make a “downpayment” of a partial filing fee and pay the remainder in monthly installments. 28 U.S.C. § 1915(b). However, in this case, only \$50.00 of the

filing fee was paid prior to Earl's release. Under these circumstances, "the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Earl must either renew his pauper status or pay the remainder of the civil filing fee. Therefore, he is ORDERED to submit, on or before December 5, 2019, either a properly completed and signed non-prisoner *in forma pauperis* affidavit or the remaining \$350.00 of the \$400 civil filing fee.¹ The Clerk shall mail Earl a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

Failure to comply with this order in a timely manner will result in the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$50 for filing any civil case also is required. Because that additional \$50 fee does not apply if leave to proceed *in forma pauperis* is granted, only the \$350 fee was assessed in the initial fee order. However, if Earl does not renew his pauper status he will be responsible for the entire \$400 fee.